

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LOCAL 355 UNITED SERVICE
WORKERS UNION,
INTERNATIONAL UNION OF
JOURNEYMEN AND ALLIED
TRADES; UNITED WELFARE FUND
– SECURITY DIVISION AND THE
TRUSTEES THEREOF; UNITED
WELFARE FUND – WELFARE
DIVISION AND THE TRUSTEES
THEREOF,

MEMORANDUM AND ORDER

Case No. 15-CV-5196-FB-PK

Petitioners,

-against-

SR MECHANICAL DESIGN CORP.,

Respondent.

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BLOCK, Senior District Judge:

On January 17, 2017, Magistrate Judge Kuo issued a Report and Recommendation (“R&R”) recommending that the petitioners’ motion for a default judgment be granted, and that a judgment in the total amount of \$54,149.28 be entered in their favor. The R&R advised that any objections “must be filed within 14 days of service of this report,” and that “[f]ailure to file objections within the specified time waives the right to appeal any order or judgment entered based on [it].” R&R at 7.

The R&R was served on the respondent on January 18, 2017, making objections due on February 1, 2017. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court, however, will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Therefore, the Court adopts it without *de novo* review. The Clerk shall enter judgment accordingly.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
February 10, 2017